IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 4554 of 2002

Between:

G.Venkataish S/o Pochaiah
A.P.S.R.T.C. Godavarikhani Depot
Karimnagar District.

..... PETITIONER

AND

1. The Chairman cum Presiding Officer,

Industrial Tribunal cum-Labour Court,
Godavarikhani Karimnagar District.
2. The Depot Manager, A.P.State Road Transport Corporation,
Godavarikhani Depot, Karimnagar District

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus, call for the records relating to the impugned order dated 17-9-2001 made in I.D.No.110 of 2000, on the file of Industrial Tribunal cum Labour Court, Godavarikhani, Karimnagar District and set aside the same, is arbitrary, unjust and unreasonable and consequently direct the respondents to reinstate the petitioner into service as conductor with continuity of service by paying all attendant benefits including back wages from date of removal i.e. 18-6-99.

Counsel for the Petitioner: MR.G.TUHIN KUMAR

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2: Smt P.Rajani Reddy, SC for APSRTC

The Court made the following:

ORDER:

Heard Sri P.Sridhar Rao, learned counsel appearing on behalf of the petitioner, the Assistant Government Pleader for Labour, appearing on behalf of the first respondent and Smt P. Rajani Reddy, learned standing counsel appearing for the second respondent.

The petitioner who is working as conductor filed this Writ Petition, *inter alia* seeking a Writ of Mandamus challenging the Award dated 17.09.2001 passed in I.D.No.110 of 2000 by the first respondent herein.

The facts in brief are that the petitioner was initially appointed as conductor on 03.05.1985 and subsequently his services were regularised. However, during a check conducted on5/6th March, 1999, certain irregularities were found and proceedings have been initiated. Ultimately, the petitioner was removed from service on 18.06.1999. After exhausting the departmental remedy, the petitioner sought a reference under Section 2-A(2) of the Industrial Disputes Act, 1947 to the Labour Court, where under the first respondent herein passed impugned order dismissing the claim of the petitioner.

The main submission made on behalf of the petitioner is that except referring the contentions on all sides, the impugned award has been passed by the first respondent without going into the merits of the case especially the preliminary question as to the enquiry. Therefore, the same is in the teeth of the principles as laid down by the Apex Court in a decision reported in **THE COOPER ENGINEERING LTD. v P.P.MUNDHE**.

Having heard the learned counsel on all sides and on perusal of record, it is seen that except referring the allegations and counter allegations, no proper enquiry was adjudged as contemplated under the law. Therefore, there is nothing on record to

show that neither any preliminary enquiry is conducted nor any opportunity was provided to the petitioner, as laid down in the aforesaid decision.

In view of the same, the said award is in the teeth of the aforesaid principles and the same is liable to be set aside.

The Writ Petition is accordingly allowed. The impugned order is set aside. The matter is remitted back to first respondent for fresh disposal by giving notice and opportunity to both sides. The first respondent shall dispose of the case within a period of three months from the date of receipt of a copy of this order. No costs.

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16-03-2005

kvrm

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, The Chief Justice on this the Monday the Sixteenth day of March, two thousand and five.

To

1. The Chairman cum Presiding Officer,

Industrial Tribunal cum-Labour Court,
Godavarikhani Karimnagar District.
2. The Depot Manager, A.P.State Road Transport Corporation,
Godavarikhani Depot, Karimnagar District

3. 2 CCs to GP for Labour, High Court Buildings, Hyderabad (OUT)

4. 2 CD copies.